

★ JAN 19 2012 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PEGGY MORRIS,

BROOKLYN OFFICE

Plaintiff,

**REPORT AND RECOMMENDATION
11 CV 3556 (JG) (LB)**

-against-

SHELDON J. ROSEN, P.C., ESQ. SHELDON
J. ROSEN, MICHAEL J. MOTTO, MARIBEL
TEJADA BOLIVAR, LISA PETERSON,
MARSHALL & SHERIFF BUREAU,
ROCHDALE VILLAGE, INC., JOHN DOE
1-10, and JANE DOE 1-10,

Defendants.

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BLOOM, United States Magistrate Judge:

Plaintiff commenced this civil rights action on July 25, 2011. The Court's records do not reflect that plaintiff served defendant Lisa Peterson with the summons and complaint. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

By Order dated December 22, 2011, the Court noted that defendant Lisa Peterson's summons had been returned to the Court unexecuted, and directed plaintiff to provide the Court with a correct service address for defendant Peterson by January 10, 2012. The Court warned plaintiff that if she failed to provide a proper service address for this defendant by January 10, 2012, I would recommend that the case against this defendant should be dismissed without prejudice under Rule 4(m). Plaintiff has failed to provide a proper service address for defendant Peterson as directed, or show good cause why service was not made on this defendant.

Accordingly, it is respectfully recommended that plaintiff's claims against defendant Lisa Peterson should be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

FILING OF OBJECTIONS TO THIS REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure, the parties shall have fourteen (14) days from service of this Report to file written objections. Such objections (and any responses to objections) shall be filed with the Clerk of the Court. Any request for an extension of time to file objections must be made within the fourteen-day period. Failure to file a timely objection to this Report generally waives any further judicial review. Marcella v. Capital Dist. Physicians' Health Plan, Inc., 293 F.3d 42 (2d Cir. 2002); Small v. Sec'y of Health and Human Servs., 892 F.2d 15 (2d Cir. 1989); see Thomas v. Arn, 474 U.S. 140 (1985).

SO ORDERED.

/Signed by Judge Lois Bloom/


LOIS BLOOM

United States Magistrate Judge

Dated: January 19, 2012
Brooklyn, New York